

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LARRY GRIBLER, suing both individually and
as controlling shareholder of THREE AMIGOS SJL,
INC. d/b/a CHEETAHS GENTLEMEN'S CLUB,

07 Civ. 11436 (nrb)

Plaintiff,

-against-

SHIRELL WEISBLAT, aka SHRIELL
WEISBLAT, CHARLES WEISBLAT,
CHARLIE CASANOVA, INC.,
SELIM ZHERKA, STEVE ASLAND,
and MEHLER & BUSCEMI,

Defendants.

AFFIRMATION OF
PAUL J. GIACOMO, JR.

-----X
PAUL J. GIACOMO, JR., ESQ., an attorney duly admitted to practice law before the
Courts of the State of New York, affirms the following under the penalties of perjury:

1. I am the principal of the Law Offices of Paul J. Giacomo, Jr., attorneys for
Plaintiffs LARRY GRIBLER and THREE AMIGOS SJL, INC. in the above-captioned action,
and as such, I am fully familiar with the facts and circumstances surrounding this matter.
2. Plaintiff LARRY GRIBLER is an individual residing at 12 Green Farms Road,
Andover, New Jersey, is the sole shareholder of the Plaintiff THREE AMIGOS SJL INC., a
domestic business corporation duly organized and existing pursuant to the laws of the State of
New York, with its principal place of business located 252 West 43rd Street, New York, New
York 10036.
3. THREE AMIGOS SJL INC. (hereinafter sometimes the "Corporation") operates a
business known as the CHEETAHS GENTLEMENS CLUB & RESTAURANT at 252 West 43rd
Street, New York, New York 10036 (hereinafter referred to as "CHEETAHS").

4. Defendant SHIRELL WEISBLAT is an individual residing at 1385 York Avenue, Apt. 34G, New York, New York and she alleges to be a minority shareholder of THREE AMIGOS SJL INC.

5. Defendant CHARLES WEISBLAT is an individual residing at 1385 York Avenue, Apt. 34G, New York, New York., and is the husband of the Defendant SHIRELL WEISBLAT.

6. Upon information and belief, the Defendant CHARLES WEISBLAT is an officer, a director and shareholder of the Defendant corporation named CHARLIE CASANOVA, INC., a domestic business corporation duly organized and existing pursuant to the laws of the State of New York, with its principal place of business located at 222 Merrick Road, Rockville Centre, New York 11570. At all times herein relevant CHARLIE CASANOVA, INC. was the alter-ego of the Defendant CHARLES WEISBLAT.

7. Defendant SELIM ZHERKA is an individual residing at 250 North Avenue, New Rochelle, New York and he alleges to be a minority shareholder of THREE AMIGOS SJL INC. The Defendant SELIM ZHERKA claims to have obtained his interest in THREE AMIGOS SJL INC. by purchasing it from the Defendant SHIRELL WEISBLAT.

8. Defendant STEVE ASLAND is an individual residing at 2900 Milton Place, Bronx, New York 10465 who has worked as a manager at the cabaret club operated by of THREE AMIGOS SJL INC. known as the Cheetah's Gentlemen's Club.

9. Defendant MEHLER & BUSCEMI is a law firm with its principal office located at 305 Broadway, Suite 1102, New York, New York 10007.

10. This action was commenced in the Supreme Court of the State of New York, County of New York and issued an index number of 603794/2007 on November 15, 2007. The action was titled "LARRY GRIBLER, suing both individually and as controlling shareholder of

THREE AMIGOS SJL, INC. d/b/a CHEETAHS GENTLEMEN'S CLUB, v. SHIRELL WEISBLAT, aka SHRIELL WEISBLAT, CHARLES WEISBLAT d/b/a CHARLIE CASANOVA, INC. SELIM ZHERKA, STEVE ASLAND, and MEHLER & BUSCEMI.

11. Defendants Steve Asland and Mehler & Buscemi were served with a copy of the Summons and Complaint on December 3, 2007; Defendants Shirell Weisblat a/k/a Shriell Weisblat and Charles Weisblat were served on December 4, 2007; Defendant Charlie Casanova, Inc. was served pursuant to the Business Corporation Law on December 11, 2007. Defendant Selim Zherka, a/k/a Sam Zherka was served, after numerous attempts, on January 12, 2008. Annexed hereto as **Exhibit A** are the Affidavits of Service.

12. On December 20, 2007, some Defendants Shirell Weisblat a/k/a Shriell Weisblat, Charles Weisblat, Charlie Casanova, Inc., Selim Zherka a/k/a Sam Zherka, and Steve Asland filed their Notice of Removal. On December 26, 2007, the plaintiff's counsel received the Notice of Removal annexed without exhibits hereto as **Exhibit B**.

13. On December 17, 2007, Kristopher Dennis, of Kaufman Borgeest & Ryan LLP, contacted the Plaintiff's counsel representing Defendant Mehler & Buscemi. Mr. Dennis has subsequently been in contact with our office, including a request for an extension of time to answer the above-referenced Complaint that initiated this action.

14. Defendant Mehler & Buscemi has made no representation known to the Plaintiff, or even any reference cited by some Defendants Shirell Weisblat a/k/a Shriell Weisblat, Charles Weisblat, Charlie Casanova, Inc., Selim Zherka a/k/a Sam Zherka, and Steve Asland, that Defendant Mehler & Buscemi consents to the removal.

15. The procedural requirements for removal under 28 USC § 1446 are strictly enforced. These requirements include, *inter alia*, the unanimity requirement of joinder by all defendants. (See Memorandum of Law.)

16. Defendants Shirell Weisblat a/k/a Shriell Weisblat, Charles Weisblat, Charlie Casanova, Inc., Selim Zherka a/k/a Sam Zherka, and Steve Asland did not at any point indicate that Defendant Mehler & Buscemi joined in the removal action.

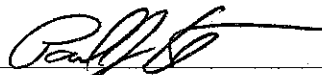
17. Some of the Defendants assert in their Notice of Removal that there is complete diversity between Plaintiffs and Defendants. Yet Three Amigos SJL, Inc. is a New York corporation. Defendant Charlie Casaona, Inc. is, upon information and belief, a New York corporation. Defendants Charlie Weisblat, Shirell Weisblat, Selim Zherka, and Steve Asland, upon information and belief, all reside in New York State. Defendant Mehler & Buscemi, upon information and belief, maintains an office at 305 Broadway, New York, New York.

18. In a case with multiple plaintiffs and multiple defendants, the presence in the action of a single plaintiff from the same State as a single defendant deprives the district court of original diversity jurisdiction over the entire action. (See Memorandum of Law.) Clearly, complete diversity does not exist between Plaintiffs and Defendants.

WHEREFORE, the instant motion should be granted in its entirety and an Order should be entered (1) remanding the action to the Supreme Court of New York, County of New York pursuant to the United States Code (U.S.C.) § 1447, and; (2) and for such other and further relief as this Court deems just and proper under the circumstances.

Dated: New York, New York
January 22, 2008

LAW OFFICES OF PAUL J. GIACOMO, JR.

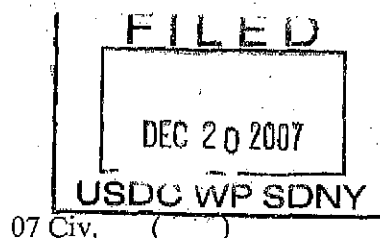


By: Paul J. Giacomo, Jr. (PG8774)
Attorneys for Plaintiffs
The Chrysler Building
405 Lexington Avenue, 37th Floor
New York, New York 10174
(212) 486-0200

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
LARRY GRIBLER, suing both individually and as
controlling shareholder of THREE AMIGOS SJL, INC.,
d/b/a CHEETAS GENTLEMENS CLUB &
RESTAURANT,



Plaintiffs,

-against-

NOTICE OF REMOVAL

SHIRELL WEISBLAT a/k/a/ SHRIELL WEISBLAT,
CHARLES WEISBLAT, CHARLIE CASANOVA,
INC., SELIM ZHERKA a/k/a SAM ZHERKA,
STEVE ASLAND, and MEHLER & BUSCEMI,

'07 CIV 11436
JUDGE BUCHWALD

Defendants.
-----x

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1441(a) and 1446 this
civil action be and the same hereby is removed from Supreme Court of the State of New
York, County of New York, to the United States District Court for the Southern District
of New York on the basis of complete diversity of citizenship of the parties. Annexed
hereto is a copy of the summons, complaint, along with exhibits contained therein, which
have been served on Defendants Shirell Weisblat, Charles Weisblat, Charlie Casanova,
Inc., Selim Zherka, and Steve Asland.

Dated: White Plains, N.Y.
December 19, 2007

LOVETT & GOULD, LLP

By: 

Jonathan Lovett (4854)

Attorneys for Defendants Shirell Weisblat,
Charles Weisblat, Charlie Casanova, Inc.,
Selim Zherka, and Steve Asland.

222 Bloomingdale Road
New York, New York 10605
914-428-8401

LARRY GRIBLER, suing both individually and as controlling shareholder of SHIRELL AMIGOS
SIL, INC., d/b/a CHEETAH GENTLEMENS CLUB and RESTAURANT,

Plaintiffs,

-against-

SHIRELL WEISBLAT a/k/a/ SHRIELL WEISBLAT, CHARLES WEISBLAT, CHARLIE
CASANOVA, INC., SELIM ZHERAK a/k/a SAM ZHERKA, STEVE ASLAND, and
MEHLER & BUSCEMI,

Defendants.

NOTICE OF REMOVAL

LOVETT & GOULD, LLP
Attorneys for Defendants Weisblat, Casanova, Zherka & Asland
222 BLOOMINGDALE ROAD
WHITE PLAINS, NEW YORK 10605
(914) 428-8401
FAX (914) 428-8916

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE



NOTICE OF
ENTRY

that the within is a true copy of a
entered in the office of the clerk of the within named Court on

19



OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon.
one of the judges of the within named Court, on 1998, at m.

NOTICE

Dated:

Attorneys for

LOVETT & GOULD, LLP

222 BLOOMINGDALE ROAD
WHITE PLAINS, NEW YORK 10605

To:

Attorney(s) for

Exhibit B

AFFIDAVIT OF SERVICE

STATE OF NEW YORK
COUNTY OF NEW YORK

SUPREME

COURT FILED ON: 11/15/2007

FILE NO.: 0710363
INDEX NO.: 603794-07LARRY GRIBLER, suing both individually and as controlling shareholder of the THREE
AMIGOS SJL INC. d/b/a CHEETAHS GENTLEMENS CLUB & RESTAURANT

Plaintiff(s)-Petitioner(s)

-VS-

SHIRELL WEISBLAT A/K/A SHRIEL WEISBLAT, CHARLES WEISBLAT, CHARLIE CASANOVA,
INC. SELIM ZHERKA A/K/A SAM ZHERKA, STEVE ASLAND, and MEHLER & BUSCEMI

Defendant(s)-Respondent(s)

STATE OF NEW YORK
COUNTY OF SCHENECTADY ss.}I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is
not a party in this proceeding and resides in New York State.On DECEMBER 11, 2007 at 11:55 A.M.
Deponent served two true copies of **SUMMONS, VERIFIED COMPLAINT**
bearing index number: 603794-07 and date of filing: 11/15/2007
upon **CHARLIE CASANOVA, INC.**
at address: **SECRETARY OF STATE, 41 STATE STREET**
City & State: **ALBANY, NY 12207**MANNER OF SERVICE:PERSONAL

- ☐
- By delivering to and leaving with personally
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally
-
- at the premises mentioned above. Such person knowing the person to be served and associated with him/her, and after
-
- conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving 2 copies with
- DONNA CHRISTIE**
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL and tendering the required fee.
-
- Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above.
-
- Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and
-
- discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the
-
- following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository
-
- under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential"
-
- and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action
-
- against the recipient. The envelope was mailed by
- first class mail
- certified mail
- registered mail
- return receipt requested
- .

Deponent further states upon information and belief that said person so served is not in the Military service
of the State of New York or the United States as the term is defined in either State or Federal statutes.DESCRIPTION: deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Hair Color: BLONDE

Approximate Age: 47 years Approximate Height: 5'4"

Approximate Weight: 140 pounds

Other:

NEW YORK

COUNTY CLERK'S OFFICE

Subscribed and sworn before me on} DECEMBER 11, 2007

Kathryn A. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires: 10/09/2010Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires: 08/27/2004Attorney:
The Law Offices of Paul J.
Giacomo, Jr.
The Chrysler Building
405 Lexington Avenue, 37th Floor
New York, NY 10174Mark E. McClosky
Deponent

affidavit number: 200773262

FIRM FILE #9784538

STATE OF NEW YORK

NEW YORK COUNTY

SUPREME COURT

ATTORNEY(S): PAUL J. GIACOMO, JR., . . .

ADDRESS: 405 LEXINGTON AVENUE, NEW YORK, NY 10174 PH#: (212) 486-0200

LARRY GRIBLER, suing both individually and as controlling shareholder of THREE AMIGOS SJL INC. d/b/a CHEETAH GENTLEMEN CLUB & RESTAURANT,

vs

Plaintiff(s)/Petitioner(s)

AFFIDAVIT OF SERVICE

INDEX #: 603794-07

FILED ON: November 15, 2007

SHIRELL WEISBLAT a/k/a SHRIELL WEISBLAT, CHARLES WEISBLAT, CHARLIE CASANOVA, INC., SELIM ZHERKA a/k/a SAM ZHERKA, STEVE ASLAND, and MEHLER & BUSCEMI,

Defendant(s)/Respondent(s)

NEW YORK

County of SUFFOLK State of New York I, CLAUDE BROWN being duly sworn deposes and says:Deponent is not a party herein, is over 18 years of age and resides in the State of New YorkOn 12/4/2007 at 8:15PMat 1385 YORK AVENUE, APT. 34G, NEW YORK, NY 10021
deponent served the within SUMMONS AND VERIFIED COMPLAINTbearing Index # 603794-07 and filed on November 15, 2007ON: CHARLES WEISBLAT

INDIVIDUAL

☐

by delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

CORPORATION A

☐

by delivering thereof a true copy of each to personally, deponent knew said described as the named defendant and knew

so served to be the said individual to be the authorized agent thereof.

SUITABLE AGE

PERSON

☒by delivering a true copy of each to "JOHN DOE"-CONCIERGE a person of suitable age and discretion
Said premises is recipient's ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.
I asked the person spoken to whether the defendant actually resides/is employed at these premises and received an affirmative reply.

AFFIXING

TO

☐by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business
☐ dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat

Day _____ Date _____ Time _____ Day _____ Date _____ Time _____

Day _____ Date _____ Time _____ Day _____ Date _____ Time _____

Verification:

MAILING

COPY

☒Deponent's agent caused a copy of same to be enclosed in postpaid sealed wrapper properly addressed to recipient at the recipient's last known ☒ residence ☐ place of employment at: 1385 YORK AVENUE, APT. 34G, NEW YORK, NY
and caused said wrapper to be deposited in a post office official depository under exclusive care and custody of the U. S. Postal Service within the State of New York on 12/7/07☐ The mailing was made by certified mail (Receipt No. _____)☐ and with return receipt requested, and/ ☒ or First Class Mail, marked personal and confidential.

DESCRIPTION

☒

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex male Race/skin white Color of hair black Approx. Age 30-40 Approx. Height 5'9"-6'Approx. weight 170-200 Other refused to provide full name, would not allow access to apt

WITNESS FEES

☐

PHOTO

☐

MILITARY

SERVICE

☒

\$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Deponent was able to identify recipient from annexed photo.

Deponent asked person spoken to whether the recipient was presently in or dependent upon someone currently in military service of the United States Government or in the State of New York and was informed he/she was not.

Sworn to before me on this

11th day of December, 2007James Anthony PassarelliJames Anthony Passarelli
Notary Public, State of New York
No. 01PA6061447
Qualified in Suffolk County
Commission Expires July 16, 2011

CLAUDE BROWN

0989767

Process Server's Lic #

NATIONWIDE PROCESS SERVICE
4250 Veterans Memorial Hwy, Suite 4000
Holbrook, NY 11741
631-951-4400

JP

Client Reference #: WEISBLAT

Invoice/WorkOrder # 9784540

STATE OF NEW YORK

NEW YORK COUNTY

SUPREME COURT

ATTORNEY(S): PAUL J. GIACOMO, JR., . . .

ADDRESS: 405 LEXINGTON AVENUE, NEW YORK, NY 10174 PH#: (212) 486-0200

COPY

LARRY GRIBLER, suing both individually and as controlling shareholder of THREE AMIGOS SJI, INC. d/b/a CHEETAHS GENTLEMENS CLUB & RESTAURANT,

SHIRELL WEISBLAT a/k/a SHIRELL WEISBLAT, CHARLES WEISBLAT, CHARLIE CASANOVA, INC., SELIM ZHERKA a/k/a SAM ZHERKA, STEVE ASLAND, and MEHLER & BUSCEMI,

Plaintiff(s)/Petitioner(s)

AFFIDAVIT OF SERVICE

INDEX #: 603794-07

FILED ON: November 15, 2007

NEW YORK COUNTY CLERKS OFFICE

County of SUFFOLK, State of NEW YORK, I, CLAUDE BROWN, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age and resides in the State of NEW YORK

On 12/4/2007 at 5:15PM

at 1385 YORK AVENUE, APT. 34G, NEW YORK, NY 10021

deponent served the within SUMMONS AND VERIFIED COMPLAINT

bearing Index # 603794-07 and filed on November 15, 2007

ON: SHIRELL WEISBLAT aka SHIRELL WEISBLAT

NOT COMPARED
WITH COPY FILE

INDIVIDUAL [] by delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

CORPORATION A

[]

by delivering thereat a true copy of each to personally, deponent knew said described as the named defendant and knew so served to be the said individual to be the authorized agent thereof.

SUITABLE AGE

PERSON

[X]

by delivering a true copy of each to "JOHN DOE"-CONCIERGE a person of suitable age and discretion Said premises is recipient's [] actual place of business [X] dwelling house (usual place of abode) within the state. I asked the person spoken to whether the defendant actually resides/is employed at these premises and received an affirmative reply.

AFFIXING

TO

[]

by affixing a true copy of each to the door of said premises, which is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat

Day Date Time Day Date Time

Day Date Time Day Date Time

Verification:

MAILING

COPY

[X]

Deponent's agent caused a copy of same to be enclosed in postpaid sealed wrapper properly addressed to recipient at the recipient's last known [X] residence [] place of employment at: 1385 YORK AVENUE, APT. 34G, NEW YORK, NY and caused said wrapper to be deposited in a post office official depository under exclusive care and custody of the U. S. Postal Service within the State of NEW YORK on 12/7/07

[] The mailing was made by certified mail (Receipt No. _____)

[] and with return receipt requested, and/ X or First Class Mail, marked personal and confidential.

DESCRIPTION

[X]

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex male Race/skin white Color of hair black Approx. Age 30-40 Approx. Height 5'8"-6'

Approx. weight 170-200 Other refused to provide full name, would not give address to GPO

WITNESS FEES

[]

\$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

PHOTO

[]

Deponent was able to identify recipient from annexed photo.

MILITARY

SERVICE

[X]

Deponent asked person spoken to whether the recipient was presently in or dependent upon someone currently in military service of the United States Government or in the State of NEW YORK and was informed he/she was not.

Sworn to before me on this

11th day of December, 2007

James Anthony Passarelli

James Anthony Passarelli
Notary Public, State of New York
No. 01PA606367
Qualified in Suffolk County
Commission Expires July 16, 2011

CLAUDE BROWN

0989767

Process Server's Lic #

NATIONWIDE PROCESS SERVICE
4250 Veterans Memorial Hwy, Suite 4000
Holbrook, NY 11741
631-981-4400

JP

Client Reference #: WEISBLAT

Invoice/WorkOrder # 9784531

STATE OF NEW YORK

NEW YORK COUNTY

SUPREME COURT

ATTORNEY(S): PAUL J. GIACOMO, JR.,

ADDRESS: 405 LEXINGTON AVENUE, NEW YORK, NY 10174 PH#: (212) 486-0200

LARRY GRIBLER, suing both individually and as controlling shareholder of THREE AMIGOS SJL INC. d/b/a CHEETAHS GENTLEMEN'S CLUB & RESTAURANT,

AFFIDAVIT OF SERVICE

INDEX #: 603794-07

FILED ON: November 15, 2007

SHIRELL WEISBLAT a/k/a SHRIELL WEISBLAT, CHARLES WEISBLAT, CHARLIE CASANOVA, INC., SELIM ZHERKA a/k/a SAM ZHERKA, STEVE ASLAND, and MEHLER & BUSCEMI,

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

County of SUFFOLK State of New York I, CLAUDE BROWN being duly sworn deposes and says:Deponent is not a party herein, is over 18 years of age and resides in the State of New York NEW YORKOn 12/3/2007 at 5:35PMat 2900 MILTON PLACE, BRONX, NY 10465deponent served the within SUMMONS AND VERIFIED COMPLAINT

COUNTY CLERK'S OFFICE

bearing Index # 603794-07 and filed on November 15, 2007ON: STEVE ASLAND

DEC 12 2007

INDIVIDUAL

☐

by delivering a true copy of each to said recipient personally; deponent knew the person served is the person described as said person therein.

NOT COMPARED
WITH COPY FILE

CORPORATION A

☐

by delivering thereof a true copy of each to

personally, deponent knew said

so served to be the

described as the named defendant and knew

said individual to be the authorized agent thereof.

SUITABLE AGE

PERSON

☒by delivering a true copy of each to ZOE ASLAND-CO TENANT

a person of suitable age and discretion

Said premises is recipient's ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.

I asked the person spoken to whether the defendant actually resides/is employed at these premises and received an affirmative reply.

AFFIXING

TO

☐by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business☐ dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient

or a person of suitable age and discretion, having called thereat

Day _____ Date _____ Time _____ Day _____ Date _____ Time _____

Day _____ Date _____ Time _____ Day _____ Date _____ Time _____

Verification:

MAILING

COPY

☒

Deponent's agent caused a copy of same to be enclosed in postpaid sealed wrapper properly addressed to recipient

at the recipient's last known ☒ residence ☐ place of employment at: 2900 MILTON PLACE, BRONX, NY 10465

and caused said wrapper to be deposited in a post office official depository under exclusive care and custody of

the U. S. Postal Service within the State of New Yorkon 12/6/07☐ The mailing was made by certified mail (Receipt No. _____)☐ and with return receipt requested, and/ ☒ or First Class Mail, marked personal and confidential.

DESCRIPTION

☒

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex female Race/skin white Color of hair blonde Approx. Age 60-65 Approx. Height 5'2"-5'6"Approx. weight 150-160 Other mother

WITNESS FEES

☐

\$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

PHOTO

☐

Deponent was able to identify recipient from annexed photo.

MILITARY

SERVICE

☒

Deponent asked person spoken to whether the recipient was presently in or dependent upon someone currently in

military service of the United States Government or in the State of New York and was informed he/she was not.

Sworn to before me on this

10th day of December, 2007James Anthony PascarelliJames Anthony Pascarelli
Notary Public, State of New York
No. 01PA6061647
Qualified in Suffolk County
Commission Expires July, 16, 2011

CLAUDE BROWN

0989767

Process Server's Lic #

NATIONWIDE PROCESS SERVICE
4250 Veterans Memorial Hwy. Suite 4000
Holbrook, NY 11741
631-981-4400

JP

Client Reference #: WEISBLAT

Invoice/WorkOrder # 9784532

STATE OF NEW YORK

NEW YORK COUNTY

SUPREME COURT

ATTORNEY(S): PAUL J. GIACOMO, JR.,

ADDRESS: 405 LEXINGTON AVENUE, NEW YORK, NY 10174 PH#: (212) 486-0200

COPY

LARRY GRIBLER, suing both individually and as controlling shareholder of THREE AMIGOS SJL INC. d/b/a CHEETAHS GENTLEMENS CLUB & RESTAURANT,

vs

Plaintiff(s)/Petitioner(s)

AFFIDAVIT OF SERVICE

INDEX #: 603794-07

FILED ON: November 15, 2007

SHIRELL WEISBLAT a/k/a SHRIELL WEISBLAT, CHARLES WEISBLAT, CHARLIE CASANOVA, INC., SELIM ZHERKA a/k/a SAM ZHERKA, STEVE ASLAND, and MEHLER & BUSCEMI,

Defendant(s)/Respondent(s)

NEW YORK

COUNTY CLERK'S OFFICE

County of SUFFOLK, State of New York, I, LAURANCE KNOXDeponent is not a party herein, is over 18 years of age and resides in the State of New YorkOn 12/3/2007 at 2:00PMat 305 BROADWAY, SUITE 1102, NEW YORK, NY 10007deponent served the within SUMMONS AND VERIFIED COMPLAINT

DEC 12 2007

bearing Index # 603794-07 and filed on November 15, 2007ON: MEHLER & BUSCEMINOT COMPARED
WITH COPY FILE

INDIVIDUAL

[]

by delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

CORPORATION A

[x]

Legal Agency

MARTIN P. MEHLER-AUTHORIZED AGENT

so served to be the Legal Agency

said individual to be the authorized agent thereof.

, by delivering thereat a true copy of each to

personally, deponent knew said Legal Agency

described as the named defendant and knew

SUITABLE AGE

PERSON

[]

by delivering a true copy of each to

a person of suitable age and discretion

Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.

I asked the person spoken to whether the defendant actually resides/is employed at these premises and received an affirmative reply.

AFFIXING

TO

[]

by affixing a true copy of each to the door of said premises, which is recipient's [] actual place of business

[] dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient

or a person of suitable age and discretion, having called thereat

Day _____ Date _____ Time _____ Day _____ Date _____ Time _____

Day _____ Date _____ Time _____ Day _____ Date _____ Time _____

Verification:

MAILING

COPY

[]

Deponent's agent caused a copy of same to be enclosed in postpaid sealed wrapper properly addressed to recipient at the recipient's last known [] residence [] place of employment at: 305 BROADWAY, SUITE 1102, NEW YORK, NY and caused said wrapper to be deposited in a post office official depository under exclusive care and custody of the U. S. Postal Service within the State of New York on _____

[] The mailing was made by certified mail (Receipt No. _____)

[] and with return receipt requested, and/ or First Class Mail, marked personal and confidential.

DESCRIPTION

[x]

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex male Race/skin white Color of hair blk/gray Approx. Age 45-50 Approx. Height 6'-6"Approx. weight 240-250 Other was wearing eyeglasses

WITNESS FEES

[]

PHOTO

[]

MILITARY

SERVICE

[]

\$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Deponent was able to identify recipient from annexed photo.

Deponent asked person spoken to whether the recipient was presently in or dependent upon someone currently in

military service of the United States Government or in the State of New York and was informed he/she was not.

Sworn to before me on this

10th day of December, 2007James Anthony PassarelliJames Anthony Passarelli
Notary Public, State of New York
No. 01PA6061647
Qualified in Suffolk County
Commission Expires July 16 2011

LAURANCE KNOX

1167432

Process Server's Lic #

NATIONWIDE PROCESS SERVICE

4250 Veterans Memorial Hwy, Suite 4000

Holbrook, NY 11741

631-981-4400

JP

Client Reference #: WEISBLAT

Invoice/WorkOrder # 9784535

STATE OF NEW YORK

NEW YORK COUNTY

SUPREME COURT

ATTORNEY(S): PAUL J. GIACOMO, JR.,

ADDRESS: 405 LEXINGTON AVENUE, NEW YORK, NY 10174 PH#: (212) 486-0200

LARRY GRIBLER, suing both individually and as controlling shareholder of THREE AMIGOS SJL INC. d/b/a CHEETAHS GENTLEMENS CLUB & RESTAURANT,

vs

Plaintiff(s)/Petitioner(s)

AFFIDAVIT OF SERVICE

INDEX #: 603794-07

FILED ON: November 15, 2007

SHIRELL WEISBLAT a/k/a SHRIJELL WEISBLAT, CHARLES WEISBLAT, CHARLIE CASANOVA, INC., SELIM ZHERKA a/k/a SAM ZHERKA, STEVE ASLAND, and MEHLER & BUSCEMI,

Defendant(s)/Respondent(s)

County of SUFFOLK State of NEW YORK I, ROBERT MOORE being duly sworn deposes and says:Deponent is not a party herein, is over 18 years of age and resides in the State of NEW YORKOn 1/12/2008 at 3:50PMat 4 HAGEMAN COURT, KATONAH, NY 10536deponent served the within SUMMONS AND VERIFIED COMPLAINTbearing Index # 603794-07 and filed on November 15, 2007ON: SELIM ZHERKA A/K/A SAM ZHERKA

INDIVIDUAL

☒

by delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

CORPORATION A

☐

by delivering thereof a true copy of each to personally, deponent knew said described as the named defendant and knew

so served to be the said individual to be the authorized agent thereof.

SUITABLE AGE

PERSON

☐by delivering a true copy of each to a person of suitable age and discretion Said premises is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state. I asked the person spoken to whether the defendant actually resides/is employed at these premises and received an affirmative reply.

AFFIXING

TO

☐by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereatDay _____ Date _____ Time _____ Day _____ Date _____ Time _____
Day _____ Date _____ Time _____ Day _____ Date _____ Time _____

Verification:

MAILING

COPY

☐Deponent's agent caused a copy of same to be enclosed in postpaid sealed wrapper properly addressed to recipient at the recipient's last known ☐ residence ☐ place of employment at: 4 HAGEMAN COURT, KATONAH, NY 10536 and caused said wrapper to be deposited in a post office official depository under exclusive care and custody of the U. S. Postal Service within the State of NEW YORK on _____☐ The mailing was made by certified mail (Receipt No. _____)☐ and with return receipt requested, and/ or First Class Mail, marked personal and confidential.

DESCRIPTION

☒

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex male Race/skin white Color of hair black Approx. Age 40-45 Approx. Height 6'-6"3"Approx. weight 200-210 Other _____

WITNESS FEES

☐

PHOTO

☐

MILITARY

SERVICE

☒

\$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Deponent was able to identify recipient from annexed photo.

Deponent asked person spoken to whether the recipient was presently in or dependent upon someone currently in military service of the United States Government or in the State of NEW YORK and was informed he/she was not.

Sworn to before me on this

14th day of January 2008
James Anthony PassarelliJames Anthony Passarelli
Notary Public, State of New York
No. 01PA0661647
Qualified in Suffolk County
Commission Expires July, 16, 2011

ROBERT MOORE

1066544

Process Server's Lic #

NATIONWIDE PROCESS SERVICE
4250 Veterans Memorial Hwy, Suite 4000
Holbrook, NY 11741
631-981-4400

JP

Client Reference #: WEISBLAT

Invoice/WorkOrder # 9784533